

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO: 01-5126-CIV-MORENO/DUBE

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S.D. OF FL - MIAMI

ANNA HERNANDEZ,

Plaintiff,

vs.

IBERIA AIRLINES OF SPAIN, S.A. d/b/a  
IBERIA, LINEAS AEREAS DE ESPAÑA,  
S.A., a foreign corporation,

Defendant.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION FOR  
CONSOLIDATION FOR DISCOVERY ONLY**

Defendant, Iberia, Lineas Areas de España, S.A. ("Iberia" or "Defendant"), hereby responds to the Motion for Consolidation for Discovery Only (the "Motion") filed by Plaintiff, Anna Hernandez, on March 22, 2002 and states as follows:

1. Defendant agrees that the present action is the first-filed case.
2. Defendant, however, **did not** agree to have the following cases consolidated, for discovery purposes, in accordance with the deadlines set forth by the Honorable Paul C. Huck in *Guillermo Alban and Carmen Alban v. Iberia Airlines*, Case No.: 02-20092 (the Alban Matter").

- a. *Anna Hernandez v. Iberia Airlines of Spain*, Case No.: 01-5126-CIV-MORENO;
- b. *Elda Curdumi v. Iberia Airlines of Spain*, Case No.: 01-5141-CIV-SEITZ;

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- c. *Horacio Farina and Ellen Farina v. Iberia Airlines of Spain*, Case No.: 02-20090-CIV-UNGARO BENAGES;
- d. *Elvira Losa v. Iberia Airlines of Spain*, Case No.: 02-20091-CIV-LENARD;
- e. *Guillermo Alban and Carmen Alban v. Iberia Airlines of Spain*, Case No.: 02-20092-CIV-HUCK;
- f. *Olga Rodriguez v. Iberia Airlines of Spain*, Case No.: 01-20093-CIV-LENARD;
- g. *Ginny Shwedel v. Iberia Airlines of Spain*, Case No.: 02-20162-CIV-LENARD;
- h. *Lourdes Padron v. Iberia Airlines of Spain*, Case No.: 02-20163-CIV-SEITZ;
- i. *Estate of Gema Lahesa v. Iberia Airlines of Spain*, Case No.: 02-20165-CIV-GRAHAM; and
- j. *Myrna Lewis v. Iberia Airlines of Spain*, Case No.: 02-20166-CIV-GRAHAM.

3. In fact, Defendant strongly disagrees that the deadlines set forth in the Alban Matter should be adopted in the present case or in any of the other actions listed in paragraph 2, above.

4. Moreover, because the above cases have not been transferred to the present division, Defendant believes that Plaintiff's request for consolidation is premature and thus procedurally improper.

5. Defendant did agree that discovery for all cases could be combined, however, in light of the fact that the above cases have not yet been transferred, Defendant believes that the proper course of action is for the parties to stipulate that the written

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discovery and depositions in any of the individual cases listed above may be used in any of the other cases listed above. Such a stipulation would accomplish the same goal as the "consolidation for discovery only" requested by Plaintiff in her motion.

WHEREFORE, for all the foregoing reasons, defendant, Iberia, Lineas Areas de España, S.A., respectfully requests that the Court deny Plaintiff's Motion for Consolidation for Discovery Only.

Dated: This 29th day of March, 2002.

Respectfully submitted,

**AKERMAN, SENTERFITT & EIDSON, P.A.**

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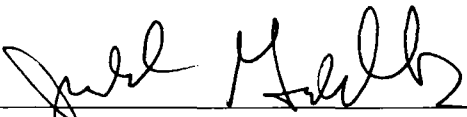
SUSAN N. EISENBERG  
Florida Bar No.: 600393  
JUDD J. GOLDBERG  
Florida Bar No.: 0115924

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Defendant's Response to Plaintiff's Motion for Consolidation for Discovery Only was furnished by U.S. mail this 29th day of March, 2002 upon:

Ralph G. Patino, Esq.  
Patino & Associates  
Counsel for Plaintiffs  
225 Alcazar Avenue  
Coral Gables, Florida 33134

  
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ATTORNEY